



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADENIKE GRAHAM, et al.,

Plaintiffs,

- against -

NATIONAL BEVERAGE CORPORATION,

Defendant.
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19 Civ. 00873 (AT) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Plaintiffs' request to compel Defendant to answer requests to admit concerning potential communications between Defendant and flavor houses about deposition of the flavor houses is denied. The requests to admit do not address the merits, seek discovery about discovery, and, Plaintiffs' hyperbole notwithstanding, are based on mere, unsupported suspicion. See Dkt. 93 at 3 ("Plaintiffs suspect NBC may be interfering"). Of course, questions at deposition about communications between Defendant and the flavor houses concerning facts is fair game. This resolves Dkt. 93.

SO ORDERED.

A handwritten signature in black ink, appearing to be "R. Lehrburger", written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 26, 2020
New York, New York

Copies transmitted to all counsel of record.